

REMARKS

Claims 1, 2 and 4-19 are pending herein. By this Amendment, the specification has been amended; claim 3 has been canceled; claims 1, 4, 5, 6 and 10 have been amended; and new claim 19 has been added.

The specification has been amended to overcome an objection thereto (discussed below).

Claim 1 has been amended to include the contents of canceled claim 3.

Claim 4 has been amended to depend upon claim 1 rather than canceled claim 3.

Claim 5 has been amended to overcome an objection thereto (discussed below).

Claim 6 has been amended so that it is now an independent claim combining the features of claims 1 and 6.

Claim 10 has been amended so that it is now an independent claim combining the features of claims 1 and 10.

The presentation of claims 6 and 10 in independent form results in the addition of one new independent claim in excess of three. Therefore, Applicants provide a check in the amount of \$200 to cover the cost of one further independent claim.

New claim 19 depends upon claim 1 and recites that the nozzle carrying means is movable in a vertical direction. Support for new claim 19 can be found, e.g., in claim 5.

According to the Office Action, claims 11-18 are allowed. The Office Action sets forth objections to the disclosure and claim 5; a rejection of claims 1, 2 and 5 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,616,762 to Inada et al. ("Inada"); and a rejection of claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Inada in view of JP 10-137665 ("JP '665"). The Examiner states that claims 3, 4, 6, 7 and 10 would be allowable if amended to overcome the rejection under 35 U.S.C. §112, second paragraph. Because the Office Action does not set forth a rejection under §112, Applicants' representative, Mary A. Montebello, contacted the Examiner regarding this matter. The Examiner stated that the statement in the Office Action was in error and that claims 3, 4, 6, 7 and 10 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the objections and rejections set forth in the Office Action.

I. Objection to the Disclosure

The disclosure is objected to because the specification refers to specific claim numbers at paragraphs [0020]-[0021] and [0028]-[0029]. The specification has been amended to remove the claim numbers.

Accordingly, Applicants respectfully request that the objection to the disclosure be withdrawn.

II. Objection to Claim 5

Claim 5 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim (i.e., claim 1). According to the Office Action, the recitation in claim 5 that the nozzle carrying means is movable in optional directions in a horizontal plane parallel to the surface of the substrate and in vertical directions does not structurally further limit claim 1 because “claim 5 does not require the nozzle carrying means move in a direction of a horizontal plane parallel to the surface of the substrate and in vertical directions rather such movement or means for movement are optional and therefore unclear how claim 5 further limits the nozzle carrying means which is inherently movable in order to carry the processing liquid nozzle to a working position.”

By this Amendment, claim 5 has been amended to delete the recitations “in optional directions” and “in vertical directions”. New claim 19 has been added which depends upon claim 1 and recites that the nozzle carrying means is movable in a vertical direction.

Accordingly, Applicants respectfully request that the objection to claim 5 be withdrawn.

III. Rejection of Claims 1, 2 and 5 under 35 U.S.C. §102(e)

Claims 1, 2 and 5 are rejected under §102(e) as being anticipated by Inada.

Claim 1 has been amended to include the contents of canceled claim 3. Claims 2 and 5 depend upon amended claim 1. Applicants respectfully submit that Inada does not anticipate amended claim 1 or claims 2 and 5.

IV. Rejection of Claims 8 and 9 under 35 U.S.C. §103(a)

Claims 8 and 9 are rejected under §103(a) as being unpatentable over Inada in view of JP ‘665.

As stated above, claim 1 has been amended to include the contents of canceled claim 3. Claim 8 depends upon amended claim 1, and claim 9 depends upon claim 8. Applicants respectfully submit that claims 8 and 9 would not have been obvious over JP '665.

V. Objection to Claims 3, 4, 6, 7 and 10

As noted above, claims 3, 4, 6, 7 and 10 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. By this Amendment, claim 3 has been incorporated into claim 1 so that amended claim 1 represents the independent form of claim 3. Claim 4 has been amended to depend upon claim 1 and, therefore, depends upon an allowable claim. Claims 6 and 10 have been amended so that they are now independent claims. Claim 7 depends upon claim 6 and, therefore, depends upon an allowable claim.

In view of the aforementioned amendments, Applicants respectfully submit that claims 1, 4, 6, 7 and 10 are in allowable form.

VI. Conclusion

In view of the amendments and remarks herein, Applicants respectfully request that the objections and rejections be withdrawn and that claims 1, 2 and 4-19 be allowed.

If any fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 033082M224.

Respectfully submitted,
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